

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

Case Number: 12-827M(NS)

An Express Mail parcel mailed on March 12, 2012 bearing label number EG906107897US. This parcel bears a handwritten label addressed to "D. Simpson," 5114 N. 60th St., Milwaukee, WI 53218, and bears the return address of "Super Auto Dismantler," 1121 E. Jefferon, Stockton, CA 95205. The parcel is 12 inches, by 12 inches, by 11 inches, weighs approximately 4 lbs. 9oz., and bears \$49.65 in postage.

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Mark Spellman, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

An Express Mail parcel mailed on March 12, 2012 bearing label number EG906107897US. This parcel bears a handwritten label addressed to "D. Simpson," 5114 N. 60th St., Milwaukee, WI 53218, and bears the return address of "Super Auto Dismantler," 1121 E. Jefferon, Stockton, CA 95205. The parcel is 12 inches, by 12 inches, by 11 inches, weighs approximately 4 lbs. 9oz., and bears \$49.65 in postage.

located in the Eastern District of Wisconsin there is now concealed: **Please see attached affidavit, which is hereby incorporated by reference.**

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of a crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 843(b).

The application is based on these facts:

- ☒ Continued on the attached sheet, which is incorporated by reference.
- ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me, and signed in my presence.

Date March 15, 2012

City and state: Milwaukee, Wisconsin

Applicant's signature

Name and Title: MARK D. SPELLMAN, Federal Inspector

Judge's signature

THE HONORABLE NANCY JOSEPH

United States Magistrate Judge

Name & Title of Judicial Officer

AFFIDAVIT

I, Mark Spellman, being duly sworn on oath, state as follows:

1. I am a United States Postal Inspector currently assigned to the Milwaukee Field Office of the United States Postal Inspection Service. I have been employed as a Postal Inspector for over 20 years. My primary duties include investigating mailing of suspected controlled substances. As a Postal Inspector, I have been involved in several investigations of narcotics trafficking through the United States mail. Based upon my experience as a federal law enforcement officer, I know that the United States mails are sometimes used to deliver controlled substances.

2. The information contained in this affidavit is either the result of personal observations and investigation or has been relayed to me by other law enforcement agents or citizen witnesses, all of whom I believe to be reliable.

3. The Postal Inspection Service has implemented a U.S. Mail Narcotic Interdiction program nationwide. This program consists of a physical inspection of mail parcels which have been mailed to or from locations throughout the country. Packages bearing identifiable characteristics of drug parcels are subjected to a certified narcotics dog trained to detect controlled substances.

4. This affidavit is submitted in support of an application for a search warrant for an 12 inch, by 12 inch, by 11 inch, Express Mail parcel (hereinafter, "parcel") mailed on March 12, 2012, bearing label number EG906107897US. This parcel bears a handwritten label addressed to "D. Simpson," 5114 N. 60th St., Milwaukee, WI 53218, and bears the return address of "Super Auto Dismantler," 1121 E. Jefferon, Stockton, CA 95205. The parcel weighs approximately 4 lbs. 9oz. and bears \$49.65 in postage.

5. On March 13, 2012, Postal Management contacted the Milwaukee Field Office of the Postal Inspection Service regarding an Express Mail parcel being mailed from Stockton, CA to Milwaukee, WI.

6. Your affiant reviewed Express Mail records and determined that between October 20, 2011, and February 16, 2012, seven Express Mail parcels, bearing various Stockton, California return addresses, were mailed from to 5114 N. 60th St., Milwaukee, WI 53218. The parcels weighed between 1 lb. 12 oz. and 5 lbs 12.4 oz. They were all addressed to a "D Simpson," "C. Simpson" or "L. Simpson," at the 5114 N. 60th St., Milwaukee, WI 53218 address. Your affiant has determined that all of the return addresses used in the mailing of these parcels sometimes contained various fictitious address information, such as either the name, street name, or street number. Also, on March 5, 2011, a narcotics detecting K9 dog alerted to Express Mail parcel label number EI007186344US, addressed to a "J. Dudley," 3943 Upton Ct., Stockton, CA 95206, bearing the return address of "Walter Simpson," 5114 N 60th St., Milwaukee, WI 53218. A Federal Search warrant was obtained for the parcel, based upon the K9 alert. The parcel was found to contain \$2400 in cash, all of which information suggests to this affiant that illegal drugs are possibly being shipped from Stockton, California to the N. 60th Street address listed above. It also suggests to this affiant that payments for such illegal substances are possibly being mailed, using parcels bearing the N. 6th Street return address, to Stockton, California.

7. The parcel originated from California, which is a known source state for narcotics. Your affiant has determined the return address of "1121 E Jefferon, Stockton, CA 95205" is fictitious. Your affiant knows by his training and experience that parcels

which contain controlled substances often use fictitious return address information in order to make the mailing seem legitimate.

8. On March 14, 2012, Inspector Spellman picked up the parcel described in paragraph 4 and made arrangements to bring a narcotics detecting canine from the Milwaukee Police Department to the Milwaukee Postal Inspection Service office. On this same date, I met with Milwaukee Police Detective Eugene S. Nagler and his canine "Duke," who are trained and certified in the detection of dangerous drugs by the North American Police Work Dog Association. Detective Nagler and Duke were originally certified on June 25, 2004, and are recertified annually with a recent recertification on June 6, 2011. The controlled substances they are certified in detecting include marijuana, heroin, and cocaine. Detective Nagler stated Duke has alerted over 500 times including training, to the presence of controlled substances he is trained to detect. Duke's alerts have been the basis for more than 100 search warrants, and more than 100 searches of motor vehicles. In addition, according to Inspection Service records, Duke has successfully alerted to controlled substances on U.S. Mail Parcels and letters on 82 occasions since February of 2008, for a success rate of 100%.

9. On March 14, 2012, Inspector Spellman placed the aforementioned parcel on the floor in the Milwaukee Postal Inspection Service Office with five other similar parcels. Duke alerted on the parcel bearing the address of "D. Simpson," 5114 N. 60th St., Milwaukee, WI 53218, as described in paragraph 4 above, by scratching and biting at it. Detective Nagler advised these actions are consistent with Duke detecting the odor of controlled substances. Duke did not alert on any of the other five parcels.

10. I believe that, based upon the evidence described above, there is probable cause to indicate that the contents of the parcel bearing the address of "D. Simpson," 5114 N. 60th St., Milwaukee, WI 53218 are drug related, and may thus be evidence of using the mail to facilitate the possession and/or distribution of a controlled substance, in violation of Title 21, United States Code 843(b).